

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

ELWOOD JONES, JR.

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Petitioner,

* CASE NO. C-1-01-564

v.

* JUDGE THOMAS ROSE

MARGARET BAGLEY, WARDEN

* MAGISTRATE JUDGE MERZ

Respondent.

*

**WARDEN'S RESPONSE TO PETITIONER'S
THIRD MOTION FOR DISCOVERY**

Respectfully submitted,

JIM PETRO

Ohio Attorney General

s/Heather L. Gosselin

HEATHER L. GOSSELIN * (0072467)

** Trial Attorney*

Deputy Attorney General

Capital Crimes Section

30 East Broad Street, 23rd Floor

Columbus, Ohio 43215-3428

(614) 728-7055; (614) 728-8600

COUNSEL FOR WARDEN

Petitioner's current habeas counsel requests permission from this Court to again take the depositions of Mark E. Piepmeier, Seth Tieger, Julius Sanks and Catherine Adams. Counsel states that they wish to depose Piepmeier and Tieger regarding some additional documents that they were not asked about by Petitioner's former counsel. They also state that they would like to depose Sanks and Adams as previously permitted by this Court. This Court previously determined that Petitioner was entitled to this discovery under Habeas Rule 6. Although the Warden opposed Petitioner's first discovery request, the Warden respects this Honorable Court's decision and does not now oppose Petitioner's motion for discovery. The Warden shares in Petitioner's desire to have a complete record in this case. In that vain, the Warden would notify this Court and Petitioner's counsel that although they are not asking for discovery at this point in time, they may do so in the future depending on the outcome of the depositions (assuming this Court grants Petitioner's counsel permission to conduct the requested depositions).

The Warden would simply request that the depositions, if granted, be conducted in a timely manner. In assisting this Court with a timeline for the discovery, should it be granted, counsel for the Warden further informs this Court that she will be trying a capital case as Special Scioto County Prosecuting Attorney during most, if not all of, November 2005.

Respectfully submitted,

JIM PETRO
Ohio Attorney General

s/Heather L. Gosselin
HEATHER L. GOSSELIN * (0072467)
** Trial Attorney*
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COUNSEL FOR WARDEN

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing *Warden's Response to Petitioner's Third Motion for Discovery* has been forwarded, via this court's electronic filing system to Michael L. Monta, 3625 Old Salem Road, Dayton, Ohio 45415; **and** Gary W. Crim, 943 Manhattan Avenue, Dayton, Ohio 45406-5141, on this the 21st day of September 2005.

s/Heather L. Gosselin
HEATHER L. GOSSELIN * (0072467)
* *Trial Attorney*
Deputy Attorney General